

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

GLOBAL VIEWS, LP
Plaintiff,

v.

TORRE & TAGUS
Defendants.

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Case No. _____

COMPLAINT

Global Views, LP, Plaintiff, complains of Torre & Tagus, Defendants, showing:

PARTIES

1. Plaintiff Global Views, LP (Global) is a Texas limited partnership with its principal place of business in Dallas, Texas.

2. On information and belief, Torre & Tagus (Torre) is a Canadian business entity. It may be served by serving Tim Kroetsch or Cesar Gomes at Torre & Tagus, #150 - 11188 Featherstone Way, Richmond, BC V6W 1K9, Canada, pursuant to Rule 4, Fed. R. Civ. P.

JURISDICTION AND VENUE

3. This Court has jurisdiction because this case is brought pursuant to a federal statute, and also there is diversity of citizenship and, on information and belief, the amount at issue exceeds \$75,000.00, exclusive of costs and interest.

4. This Court has specific personal jurisdiction over Defendant Torre because it has committed copyright infringement by advertising for sale and selling infringing items over the internet to, on information and belief, Texas residents, and this case arises out of such actions.

5. Venue is proper in this District because Defendant is subject to the Court's personal jurisdiction with respect to this action.

BACKGROUND FACTS

6. Global is in the business of creating various types of sculptures, artwork and furnishings.

7. Global has a copyright, Registration No. VA0001635765, registered 2008-03-14, for "Climbing Man – Wall," which is for a sculpture of a man climbing a wall on a rope attached to a wall peg or similar attachment. A copy of the photo submitted with the application for the original work of authorship is attached as Exhibit A. Global also has a copyright, Registration No. VA0001681221, registered 2008-03-17, for "Climbing Man – Table," which is for the same sculpture with the climber climbing a post affixed to a table top mount. A copy of the photo submitted with the application for the original work of authorship is attached as Exhibit B. These may be referred to as the "Global Climbing Man" work of authorship.

8. Defendants have created and are marketing and believed to be selling a "knock-off" of the "Global Climbing Man." See Exhibit C hereto. The Defendants' sculpture is substantially similar to the Global Climbing Man.

CAUSE OF ACTION—COPYRIGHT INFRINGEMENT

9. The allegations of paragraphs 6-8 above are incorporated by reference.

10. Defendant has committed copyright infringement under 17 U.S.C. § 501.

11. Plaintiff seeks an injunction prohibiting Defendant from any further manufacture, advertisement, sale, or distribution of the Defendant's sculpture under 17 U.S.C. § 502.

12. Plaintiff seeks impounding and destruction of all copies of Defendant's infringing sculptures under 17 U.S.C. § 503.

13. Plaintiff seek actual damages and any additional profits of Defendant under 17 U.S.C. § 504(a)(1) and (b).

14. Alternatively, Plaintiff seeks statutory damages of such amount as shall be appropriate, under 17 U.S.C. § 504(a)(2) and (c)(1) and (2).

15. Plaintiff seeks full costs and a reasonable attorney's fee under 17 U.S.C. § 505.

CONDITIONS PRECEDENT

16. All conditions precedent to the claims and cause of action asserted herein have been met, performed, waived, or otherwise satisfied.

WHEREFORE, Plaintiff Global prays for judgment against Defendant Torre for all relief set forth hereinabove, and for such other or further relief to which Plaintiff may be entitled.

Respectfully submitted,

/s/Mack Ed Swindle

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**ATTORNEYS FOR PLAINTIFF
GLOBAL VIEWS, LP**

June 20, 2016

236428

Copyright

United States Copyright Office

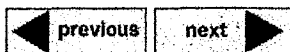
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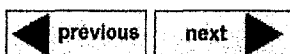
Copyright Catalog (1978 to present)

Search Request: Left Anchored Title = climbing man

Search Results: Displaying 3 of 4 entries



Labeled View

*[No title on deposit]***Type of Work:** Visual Material**Registration Number / Date:** VA0001635765 / 2008-03-14**Application Title:** Climbing Man - Wall.**Title:** [No title on deposit]**Description:** photos of sculpture.**Copyright Claimant:** Global Views, L.P.. Address: 7301 Ambassador Row, Dallas, Texas 75247**Date of Creation:** 2007**Date of Publication:** 2008-01-08**Nation of First Publication:** United States**Authorship on Application:** Global Views, L.P., employer for hire. Authorship: 3-dimensional sculpture.**Names:** Global Views, L.P.

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• #8.80849 Climbing Man-Wall Mounted

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Labeled View

Climbing Man - Table.

Type of Work: Visual Material

Registration Number / Date: VA0001681221 / 2008-03-17

Application Title: Climbing Man - Table.

Title: Climbing Man - Table.

Description: Photographs of sculpture, 9p.

Copyright Claimant: Global Views, L.P. Address: 7301 Ambassador Row, Dallas, TX, 75247.

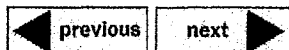
Date of Creation: 2007

Date of Publication: 2008-01-08

Nation of First Publication: United States

Authorship on Application: Global Views, L.P., employer for hire; Citizenship: United States. Authorship: 3-Dimensional sculpture.

Names: Global Views, L.P.



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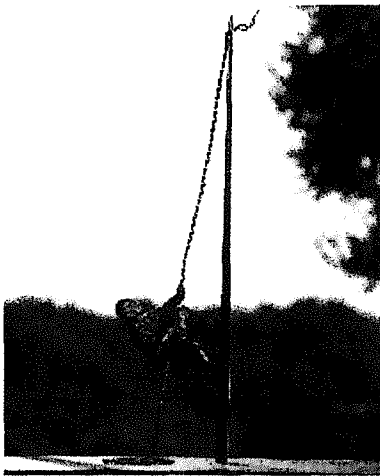
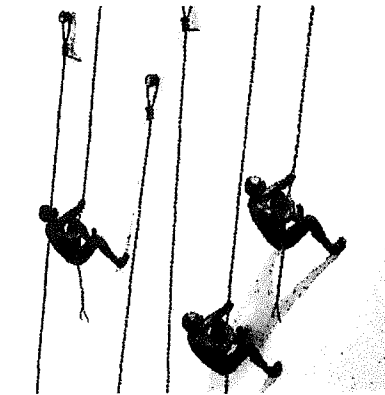




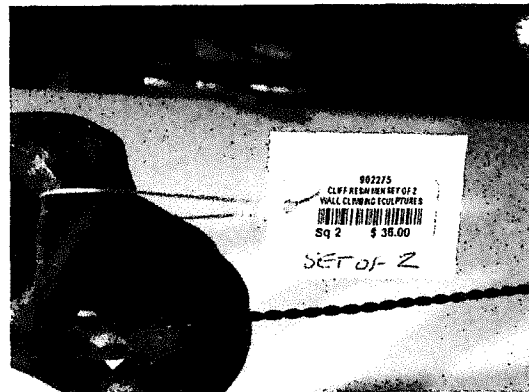
- #8.80848 Climbing Man-Tabletop

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**Global Views
Climbing Men**



**Torre & Tagus
Toronto Gift Fair & Facebook**



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**LAST
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NEW SPRING
COLLECTION

Stop by our booth at the Atlanta Gift Show, Booth #100, to see our new Spring Collection. We'll be there from 10:00 AM to 5:00 PM, June 17-18, 2016.

